

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

BRIAN CHRISTIAN ALEXANDER,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-01516

SOUTH CENTRAL REGIONAL JAIL,

Defendant.

ORDER

Pending before the Court is Defendants C.O. Slone, C.O. Payne, and Captain Thompson's (collectively, "Defendants") Motion for Summary Judgment. (ECF No. 28.) By Standing Order entered January 4, 2016, and filed in this case on December 13, 2018, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley entered his PF&R on August 11, 2021, recommending this Court grant the Defendants' Motion for Summary Judgment and dismiss as a matter of law the claims against C.O. Slone, C.O. Payne, and Captain Thompson, as well as the claim against C.O. Kirkwood.¹ (ECF No. 37.)

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review

¹ The Court notes that Magistrate Judge Tinsley has indicated that he will, by separate order, address the claims asserted against medical staff members Jessica Thornhill and Nurse Kadee Damron. (ECF No. 37 at 1.)

and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were originally due by August 30, 2021. (ECF No. 37.) However, on August 20, 2021, Plaintiff Brian Alexander ("Plaintiff") notified the Court of a change in address. (ECF No. 38.) The Clerk of Court reissued the PF&R to Plaintiff's new address on August 24, 2021. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 37), and **GRANTS** the Defendants' Motion for Summary Judgment, (ECF No. 28), and **DISMISSES** Plaintiff's claims against Defendants C.O. Slone, C.O. Payne, and Captain Thompson. The Court further **DISMISSES** the claim against C.O. Kirkwood pursuant to 28 U.S.C. §§ 1915A and 1915(e)(2)(B). This matter remains referred to Magistrate Judge Tinsley.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 13, 2021



THOMAS E. JOHNSTON, CHIEF JUDGE